

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARK WILLIAMS HARRIS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:10-cv-447-HSO-JMR

DANNY SAUCIER, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
TO GRANT DEFENDANTS' MOTION TO DISMISS**

This cause comes before the Court on the Report and Recommendation [48] of Chief United States Magistrate Judge John M. Roper entered in this cause on February 7, 2012. Magistrate Roper reviewed the pleadings on file and determined that based on the record, Defendants' Motion to Dismiss [39] should be granted. To date, no objection to the Report and Recommendation has been filed by Plaintiff.¹

The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the relevant legal authorities, concludes that the Magistrate Judge properly recommended that Defendants' Motion be granted pursuant to FED. R. CIV. P. 12, inasmuch as Plaintiff has failed to exhaust his state administrative remedies.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection

¹ The docket reflects that Plaintiff signed for the Report and Recommendation on February 14, 2012 [49].

is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation thoroughly considered all issues, and is neither clearly erroneous, nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Defendants’ Motion to Dismiss should be granted. Said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [48] of Chief Magistrate Judge John M. Roper entered on February 7, 2012, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendants’ Motion to Dismiss [39] filed October 11, 2011, is **GRANTED**, and Plaintiff’s Complaint is dismissed without prejudice. The Court will enter a final judgment in accordance with the Rules.

SO ORDERED AND ADJUDGED, this the 2nd day of April, 2012.

s/ Halil Suleyman Ozerdan
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE